

**WENPING & CO.**

P. O. Box 1869, Taipei

To: Messrs. Epping • Hermann • Fischer Patentanwalts-gesellschaft mbH

Appl. No. 91113479

English Translation of

DECISION ON EXAMINATION

Date: December 3, 2003

No.: 2(1)04066/09221227750

1. Application No.: 91113479
2. Title: Oberflächenmontierbares strahlungsemitterendes Bauelement und Verfahren zu dessen Herstellung
3. Applicant: Osram Opto Semiconductors GmbH
4. Attorneys: C. T. Ho and M. Y. Lee
Address: 8F, Chung Ting Building, No. 77, Tun Hwa S. Rd., Sec. 2, Taipei,
Taiwan, R.O.C.
5. Filing Date: June 20, 2002
6. Priority: German Application No. 10131698.4 filed on June 29, 2001
7. Decision:
 - A) Subject:
A patent should not be granted to this application.
 - B) Basis:
Paragraph 2 of Article 20 of the Patent Law.
 - C) Reasons:

After examination, the present case is deemed as:
 1. The main feature of the present case has been described as in the claim 1.

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2. A Publication No.311269 published on July 21 1997 in Taiwan and entitled "A semiconductor component with a plastic encapsulation and its production method" (please see the attachment) has been found, and its main feature is that the radiation-emitting chip is mounted on a lead-frame, said chip and the lead-frame are enclosed with a form-substance, so that said component has a mounting face, and said mounting face is arranged so as to form a pre-defined angle with respect to the main radiating direction of said component. The said lead-frame has terminals, which extend from the form-substance and have terminal-faces, and each terminal-face forms a pre-defined angle with respect to the said mounting face. As compared with the cited case, the component in the cited case is turned in the present case over with an angle in space and then arranged on the said mounting face. The said simple alteration in space can be easily accomplished by any one skilled in the art, so the present case shows no inventive steps.

3. Summing up the above, the present case made use of the technology already existed before its filing date and thus can not be granted an invention patent.

Based on the foregoing, the present application does not comply with the legal requirements of a patent. A decision is hereby made as per the subject according to Paragraph 2 of Article 20 of the Patent Law.

Note: If the applicant disagrees with this decision, a re-examination can be filed within thirty days after receipt of this decision with respondent reasons in duplicate and official fee of NT\$6,000 (for Chinese specification and drawings under 50 pages, in case of exceeding 50 pages, additional fee of NT\$500 per 50 pages shall be surcharged) to this Office.

